

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:24-cv-00218-MMD-CSD

FERNANDO RODRIGUEZ,

Plaintiff

v.

JOHN KEAST, et al.,

Defendants

Order

Plaintiff has filed a motion for temporary restraining order and preliminary injunction concerning: (1) his cataracts and (2) his dental extractions. (ECF Nos. 9-10.) Defendants filed a response. (ECF Nos. 17, 17-1, 17-2, 25, 25-1 to 25-3.) Plaintiff filed a reply. (ECF No. 20.) The court held a hearing on September 27, 2024. The court gave Defendants 30 days to file a status report regarding Plaintiff's medical conditions. (ECF No. 30.)

On October 28, 2024, Defendant filed a status update. (ECF No. 35.) With respect to Plaintiff's cataracts, Defendants indicate that Plaintiff saw an outside provider on October 7, 2024; his cardiac concerns are not an issue for cataract surgery; the surgery has been ordered, but the surgery has not yet been scheduled.

Defendants also state that Plaintiff was seen for a cardiology consultation on October 16, 2024, and it was noted Plaintiff was responding well to his medication regimen and has lost some weight, and he should follow up in three months to check his medications and his pacemaker. The follow-up has been ordered but not yet scheduled. There have been no developments as to his dental extractions as his care has been delayed by concerns regarding his cardiac health and ability to withstand the necessary procedure(s).

On or before **November 14, 2024**, Defendants shall file a status update addressing:

(1) Whether Plaintiff's cataract surgery has been scheduled, and if not, why not. If the surgery has been scheduled, Defendants shall provide the date of the scheduled surgery to the court *in camera*.

(2) Whether Plaintiff's dental extractions were specifically addressed at his most recent cardiology appointment¹; and

(3) Whether it is feasible to have Plaintiff seen by the dentist at NNCC to determine whether the recommended extractions can take place under local anesthesia (such as Novocain) as opposed to general anesthesia, even if this may be done in stages, to alleviate the cardiac concerns of putting Plaintiff under general anesthesia for the dental extractions. If this is feasible, provide an estimate of when this dental surgery might occur.²

IT IS SO ORDERED.

Dated: November 7, 2024


Craig S. Denney
United States Magistrate Judge

¹ From the records of his last appointment, it does not appear this issue was raised.

² If this is not feasible, the court is inclined to recommend Plaintiff's request for injunctive relief be granted insofar as he be seen by both the institutional dentist for an evaluation in this regard, as well as a cardiologist to determine his fitness to undergo the recommended dental extractions.